C. Remarks

The claims are 1 and 3-11, with claim 1 being the sole independent claim. Claims 7-11 have been withdrawn from consideration as being directed to non-elected subject matter. Claim 2 has been cancelled without prejudice or disclaimer. Claim 1 has been amended to clarify the intended invention. Support for this amendment may be found, for example, at page 8, line 15. No new matter has been added. Reconsideration of the present claims is expressly requested.

Claims 1-6 stand rejected under 35 U.S.C. § 112, second paragraph, as being allegedly indefinite. Specifically, the Examiner referred to the recited result of plating using the solution in claim 1.

In response, claim 1 has been rephrased for clarification. In particular, claim 1 has been amended to more clearly indicate that the claimed solution is such that it is capable of being used in plating to deposit FePt or FePtCu. Furthermore, this claim now recites a specific complex agent. Accordingly, withdrawal of the indefiniteness rejection is respectfully requested.

Claims 1-3, 5, and 6 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent Application Publication No. 2004/0074336 A1 (Daimon). Claims 1-5 stand rejected under 35 U.S.C. § 103(a) as being allegedly obvious from the Rhen et al. article (Rhen) in view of U.S. Patent No. 3,032,486 (Sallo) or 5,435,898 (Commander). The grounds of rejection are respectfully traversed.

Prior to addressing the merits of the rejections, Applicants would like to briefly discuss some of the features of the presently claimed invention. That invention, in

pertinent part, is related to a solution, which includes ionic Fe, ionic Pt, and tartaric acid as a complex agent. The molar ratio of the ionic Fe to the ionic Pt is from 0.75 to 3. This solution is composed so that it is capable of depositing FePt or FePtCu when plated, i.e., other components present in the solution are not a part of the FePt or FePtCu composition being deposited by plating. As a result of using tartaric acid as a complex agent, a stable plating solution is formed.

Daimon is related to a method for producing fine particles using heat deposition. Applicants respectfully submit that even though this reference discloses the use of, for example, an iron (III) acetylacetonato complex, a platinum (II) acetylacetonato complex, and copper (II) sulfate (Example 41), it does not disclose or suggest a solution, which includes tartaric acid as a complex agent in addition to ionic Fe and Pt. Thus, Daimon cannot affect the patentability of the presently claimed invention.

Rhen is directed to a bath for depositing FePt films. As the Examiner acknowledged, this reference does not disclose or suggest a complex agent. While the Examiner referred to Sallo and Commander for a teaching of a complex agent, Applicants respectfully submit that neither of these secondary references discloses or suggests a tartaric acid complex agent for use with ionic iron or platinum.

In sum, Applicants respectfully submit that the cited references, whether considered separately or in any combination, fail to disclose or suggest all of the presently claimed elements.

Wherefore, withdrawal of the outstanding rejections and expedient passage of the application to issue are respectfully requested.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

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